

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>SUSAN E. DESCHAMBAULT,</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>No. 2:14-cv-432-DBH</b>
	)	
<b>UBS FINANCIAL SERVICES INC.,</b>	)	
	)	
<b>Defendant</b>	)	

**REPORT OF FINAL PRETRIAL CONFERENCE AND ORDER**

A final pretrial conference was held via telephone (because of weather-related travel difficulties) on February 25, 2016, in Portland, Maine, before Magistrate Judge John H. Rich III. Attorney Guy Loranger appeared for the Plaintiff and Attorney Francis Dee appeared for the Defendant. The following matters were addressed and will govern the trial of this case.

**I. Case Description**

The Plaintiff asserts claims against the Defendant, her former employer, for age discrimination under the Maine Human Rights Act (Count I), slander and/or libel per se (Count II), and defamation (Count III). The Plaintiff seeks monetary damages for her past and future lost wages and benefits, emotional distress, punitive damages, attorney fees and costs, injunctive relief, and pre- and post-judgment interest. The Defendant denies any liability.

**II. Trial Preparation**

- A. Discovery. The discovery is complete. There are no outstanding discovery issues requiring the Court's attention at this time.
- B. Motions in Limine. Any motions in limine shall be filed by March 14, 2016, and any objections shall be filed by March 28, 2016. No reply memoranda shall be permitted.

- C. Maximum Number of Trial Days. The case will require no more than five full trial days.

### **III. Trial Schedule**

- A. Jury Selection. The jury will be selected on April 4, 2016, at 9 a.m. At conference, the parties consented to the Magistrate Judge presiding at Jury Selection.
- B. Motions to Continue: Any motion to continue the trial-ready date shall be filed by March 7, 2016.
- C. Settlement Notice. The parties shall inform the Clerk's office whether the case is settled or firm for trial by March 30, 2016.

### **IV. Trial Process**

- A. Stipulations. The parties shall file any agreed-to stipulations by March 30, 2016.
- B. Depositions. The parties shall exchange designated deposition transcripts or videos that they intend to use at trial by March 17, 2016. Any objection to the admissibility of a deposition transcript or video shall be filed by written motion by March 24, 2016.
- C. Exhibits. The parties shall exchange exhibits by March 24, 2016. The parties shall jointly prepare a consolidated list of all exhibits to be offered at trial, employing the form available on the Court's website— <http://www.med.uscourts.gov/>—by March 30, 2016. The original set of exhibits, and one extra set, shall not be filed before trial.
- D. Witnesses. Each party shall file its witness list by March 30, 2016. For each witness, the list shall indicate (i) the witness's name and address; (ii) whether the witness is a fact witness or an expert witness; (iii) a concise statement of the general subject matter of the witness's testimony; and (iv) an estimate of the time required for the direct examination of the witness.
- E. Jury Voir Dire. The parties shall file any proposed supplemental voir dire questions for the jury panel by March 28, 2016. The parties are requested not to propose questions that are addressed in the Confidential Jury Questionnaire. The jurors' completed Confidential Jury Questionnaires will generally be available for inspection at the Clerk's Office or electronically on CM/ECF at least three working days prior to jury selection.
- F. Jury Instructions. The parties shall submit proposed jury instructions by March 30, 2016. Proposed instructions shall be stated in separate paragraphs and numbered sequentially. Following the text of a proposed instruction, any applicable statutory or case authority for

the requested instruction shall be provided. The opposing party may submit a concise statement of any opposing authority by April 4, 2016.

- G. Special Verdict Form. If a verdict form is requested, the parties shall prepare an agreed-upon verdict form and submit the same to the court by March 30, 2016. In the absence of an agreement, the parties shall submit separate proposed special verdict forms by that date.
- H. Trial Brief. Each party shall file by March 30, 2016, a trial brief setting forth the significant factual and legal issues to be presented at trial and the party's position on each issue so identified. The trial brief shall not exceed ten pages.
- I. Juror Notebooks. The Court may permit the jurors to take notes in individual notebooks. The notebooks include a glossary of common legal terms such as "sidebar," and a guide entitled "Suggestions for Jury Deliberation." The parties are encouraged to review the glossary and submit by March 30, 2016, any proposed additional glossary terms that are specific to the case and would be helpful to the jury. Any objection to the use of the glossary, guide, or proposed additional glossary terms shall be submitted by March 28, 2016.
- J. Trial Management Conference. The parties may request an additional trial management conference by contacting the Clerk's office.

**SO ORDERED.**

Date: February 29, 2016.

/s/ John H. Rich III  
U.S. Magistrate Judge

**NOTICE**

Any objections to a Pretrial Order entered by a U.S. Magistrate Judge shall be filed within fourteen (14) days from the date of its filing.